

REMARKS

This Amendment responds to the Office Action mailed November 7, 2007 in the above-identified application. For the following reasons, careful reconsideration and allowance of the application are respectfully requested.

Claims 1-6, 18, 25 and 26 were previously pending in the application. No claims are amended herein. Accordingly, claims 1-6, 18, 25 and 26 are currently pending, with claims 1 and 18 being independent claims. The pending claims are listed above for the convenience of the Examiner.

The Examiner has rejected claims 1 and 18 under 35 U.S.C. §103(a) as unpatentable over Amon et al. (US 5,742,621) in view of Coombs (US 6,848,074) and Lou et al. (US 5,220,570). Claims 2-6, 25 and 26 are rejected under 35 U.S.C. §103(a) as unpatentable over Amon et al. in view of Coombs and Lou et al., further in view of Benedetto et al. (article entitled "Soft-Output Decoding Algorithms in Iterative Decoding of Turbo Codes"). The rejections are respectfully traversed.

The Amon patent is discussed in detail in previous responses and in the Appeal Brief mailed October 17, 2007. In the current Office Action, the Examiner acknowledges that "Amon does not explicitly teach the specific use of a single trellis instruction" (Office Action mailed November 7, 2007, p. 6). The Examiner relies upon Coombs for teaching this claim limitation. However, the Coombs patent is not prior art with respect to the present application.

As indicated in the Declaration of Stephen J. Plante under 37 CFR §1.131, submitted herewith, the present invention was reduced to practice prior to June 21, 2001, the filing date of the Coombs patent.

As stated in the enclosed Declaration with attached Exhibit A, the invention of each of claims 1-6, 18, 25 and 26 had been conceived and reduced to practice prior to June 21, 2001 (Plante Declaration, section 2). Exhibit A, which includes an invention disclosure and

supporting documentation, describes the trellis function and the add, compare, select (ACS) instruction, a digital signal processor (DSP) for executing the instruction and the form of the instruction (Plante Declaration, section 4). Exhibit A also shows a code sequence using the ACS instruction.

As further stated in the Declaration, the claimed method and processor using the ACS instruction were reduced to practice and included in the design for the TigerSHARC digital signal processor product before June 21, 2001 (Plante Declaration, section 5). Because the claimed invention was invented prior to the Coombs filing date, Coombs is not available as prior art with respect to the application and may not be used to support an obviousness rejection under 35 U.S.C. §103(a).

Since Coombs is not available as prior art with respect to the present application, the rejection under 35 U.S.C. §103(a) cannot stand. As noted above, the Examiner acknowledges that Amon does not teach the use of a single trellis instruction. The Lou patent is cited for teaching the use of a programmable digital signal processor but does not provide the teachings that are lacking in Amon.

Based upon the above discussion, claims 1 and 18 are clearly and patentably distinguished over Amon in view of Coombs and Lou. Claims 2-6 depend from claim 1, and claims 25 and 26 depend from claim 18. Claims 2-6, 25 and 26 are patentable over the cited references for at least the same reasons as claims 1 and 18.

Based upon the above discussion and the accompanying Declaration, claims 1-6, 18, 25 and 26 are in condition for allowance.

Since each of the dependent claims depends from an independent claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office

Action, nor do the Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: March 6, 2008
x03/07/2008

Respectfully submitted,

By William R. McClellan
William R. McClellan
Registration No.: 29,409
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000